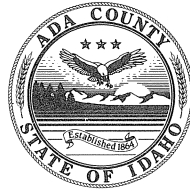


FAMILY COURT SERVICES
FOURTH JUDICIAL DISTRICT
STATE OF IDAHO



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The following details Family Court Services programs and activities for the Fourth Judicial District.

- ***Focus on Children Class:*** The Focus on Children Class is offered for parents in all four counties within the Fourth Judicial District who are going through a divorce, a custody case, or in conflict while modifying an existing court order. Too often during difficult transition times such as these, the needs and experiences of children are overlooked. Parents are frequently struggling their own feelings of grief/loss, anger, hurt and frustration associated with separation, divorce and/or shared parenting. Research has clearly shown that children cope best when they are not caught in the middle of their parental conflict and when they are given permission to love each parent. The Focus on Children Class provides parents with important information about how conflict affects their children, and provides suggestions about how to transition into their new family structure. Out of concern for the children in these cases, the Judges in the Ada County order parents to attend this class. There are two different classes offered in Ada County. The first class is court ordered for all parents who are going through divorce or paternity cases with attorneys. Parents going through contested modification proceedings may also be ordered to this class. The second class is for parents going through divorce or paternity actions without attorneys. In addition to the educational component contained in the first class, these parents are also assisted in crafting a detailed parenting plan together, which is submitted to the court. If necessary, child support is recalculated in this class to match up with the parenting plan. Both classes are offered three times a month. By the end of the year we will have seen a 14% participation increase in this class. This year we project that 2605 parents will have attended the class, and 2,300 children will benefit from their parents attendance. We anticipate 312 parenting plans will be constructed and submitted to the court from our pro se class, benefiting 510 children. Parenting plans constructed in this class are comprehensive and tend to be relatively durable. Last year 245 custody or divorce cases were reopened and contested in Ada County. Of those cases, only 17 had ever constructed an initial parenting plan in our Focus on Children class. Comments from this class include:

“You see, hear and realize what has and is still going on. It makes you realize what is in our children’s minds and hearts...It makes your heart melt. This class should be required before filing for divorce. I really appreciate it.”

“Very helpful class. It brought up lots of emotions. I feel more comfortable moving on as a divorced parent.”

“I thought the class was uplifting. It helped me realize I don’t have to be angry anymore. I have to be strong for my daughter. Forgiveness and being agreeable is the most important thing for my daughter.”

- ***File Review:*** File review is conducted in both Ada and Elmore Counties. Once a custody case becomes contested, Family Court Services reviews the families’ entire history of court involvement, and based on risk/safety concerns, will either recommend to the judges that parents proceed directly to mediation, or undergo an ADR assessment to determine if mediation is appropriate for the family. In a 12 month period of time, it is estimated that 725 files are reviewed to assure appropriate referrals for mediation are proposed.
- ***ADR Assessments:*** ADR Assessments are available through Family Court Services for all of the counties in the Fourth District. Research shows that parental conflict and adversarial court processes can be damaging to children. To minimize parental conflict and to protect children, the court strives to find the least intrusive means of assisting parents to make decisions about the future living arrangements of their children. In all domestic relations cases involving children, the presiding judge may order the parties to participate in ADR screening for the purpose of assessing whether parents are appropriate or prepared to engage in mediation. The secondary purpose is to provide additional recommendations to parents and the court which may enhance the appropriateness of mediation, or to provide alternatives for resolving issues which will broaden parenting options. By the end of this year, 146 assessments will have been completed, benefiting and protecting an estimated 223 children. Sixty-six percent of these cases result in appropriate recommendations for mediation in high conflict cases. The ADR Assessment revealed that 78% of the families who participate in the assessment had a criminal history, which places the child at risk which could include: substance abuse, violence, or involvement with Child Protective Services. Additionally, 69% had parental concerns about substance abuse, 38% of these families had concerns about domestic violence, 44% had additional mental health concerns, 11% involved allegations that the child had been injured by a parent, and 2% had concerns that the child had been sexually abused.

“ADR assessments are very helpful in my assessment of cases for two primary reasons. First, they let me know at an early stage in the process whether the parties have the ability to reason and compromise with each other such that mediation may have a reasonable chance of success. Second, they let me know whether there is a possibility that factors such as domestic violence, drug abuse, alcohol abuse or criminal activity may effect the best interests of the children. When these issues exist, an early

assessment gives the opportunity for referrals to appropriate agencies prior to the final custody award. This allows a parent with such problems to address them in a timely fashion so that they can share in custody of the children.” Judge David E. Day

- **Mediation:** Mediation takes place and is monitored by Family Court Services in all four counties within the Fourth District. When parents come to court unable to agree about the care for their children they are asking the court to make these decisions for them. This begins an adversarial process that often create barriers which inhibit future cooperation. In the adversarial process children loose. The goal of mediation is to help parents reach an agreement outside the courtroom. Children benefit when parents, rather than the court make parenting decisions together. In the process of mediation, parents meet with an impartial professional to work together to resolve differences. With the aid of a mediator, parties establish ground rules for discussion, define the problems and issues, gather relevant information, consider several options and hopefully, agree upon a plan which best meets the needs of the children and the needs of the parents. By the end of this year, our office will have tracked, recorded and encouraged compliance for an estimated 469 mediation orders affecting 726 children.
- **Child Support Calculations:** Family Court Services calculates child support for Ada, Boise, and Elmore Counties. By the end of the year, we estimate that we will have calculated child support for 509 pro se parents, benefiting 882 children.
- Family Court Services also provides resources for judges and participants in civil protection order hearings.
- **Assistance for the Ada County Criminal Domestic Violence Court:** This year, Family Court Services assisted in the successful implementation of a grant from the Office on Violence against Women (OVW) , which provides for a master’s level social worker who assists in case coordination, resource referral and assisting with offender accountability for the Ada County Domestic Violence Court. In 2005 Ada County established an innovative domestic violence court design. The court resolves criminal domestic violence cases through a fast track modality, within a 45-day window from the time of arrest. Several advantages are apparent with the fast track modality. Because many cases move from arrest, to plea, to sentencing within a two-week period, the family’s status is resolved in a timely manner. Defendants are expedited into the treatment process, which research has indicated reduces recidivism. Victims, (and often times respective children), can begin the reconstruction process sooner than the traditionally structured courts allow. Victims have the ability to obtain quick and ongoing contact with the two judges who preside over their case beginning within one week of the filing of charges. This type of contact affords the victim safety, as well as reassurance that her/his needs are being addressed while removing the feeling of hardship (and potential risk) placed on the victim from lengthy delays

in getting to court. Victims develop confidence that the court and the legal system have their interests at heart. This approach gives victims a sense of empowerment and a feeling that their voice is being heard and considered.

Offender's accountability is further enhanced by intensive judicial "face-to-face" scrutiny throughout the probation period through on-going case review. With the Court establishing frequent, ongoing contact with the offenders and victims in the first 30 to 45 days of a case, the Court has the ability to increase the safety of the victim, and also maintain the flexibility to successfully monitor no contact order modifications or terminations. Victim and family safety is enhanced by this early engagement model which substantially accelerates the ability of offenders to access court-ordered treatment. In the nearly three years the court has been in operation over 345 defendants have participated. Each judge (in the accelerated court) makes approximately 2,660 judicial contacts with defendants in a year.

This year, Ada County was given the opportunity to participate in a grant from the Office on Violence against Women (OVW) which provides assistance to the judges who preside over this calendar by funding a master's level social worker as a case coordinator. The case coordinator procured by OVW funding is charged with understanding the complex dynamics in play with domestic violence victims and possesses a thorough knowledge of community resources to assist victims.

The Case Coordinator works with victim witness coordinators and probation to ensure resource referral is coordinated, and gaps are identified and met with solutions while working with the Court and probation to hold offenders accountable. For example, the Case Coordinator worked with the victim in a case where the offender was incarcerated for a substantial period of time, while the victim cared for their child who had a potentially life threatening illness. The Case Coordinator worked along with the Victim Witness Coordinator and they were able to direct the victim to community resources that provided financial assistance to the victim while life saving out-of-area medical treatment was accessed for the child. In addition, the Case Coordinator assisted the victim in making medical arrangements and appointments. Without the assistance of the Case Coordinator the family would have faced financial devastation which would have resulted in the loss of their home. An example of how the Case Coordinator assists in holding offenders accountable is when the coordinator works with the probation officers to interpret the implications of an offender's psychological evaluations. The Case Coordinator helps develop a mental health case plan that is clear and direct which outlines the offender's responsibilities and culpability in light of intervening psychological diagnostic factors. This is important in providing specific, obtainable goals that increase the level of accountability that the offender maintains while meeting their mental health needs.

A noteworthy aspect of the Ada County Domestic Violence Court design is the case coordination between the criminal domestic violence court and other family-

related court cases. Once an offender becomes a participant in this court, the judge who heard the criminal domestic violence case may also preside over concurrent and/or subsequent divorce, custody and child protection cases. This process reduces conflicting orders and assures that effective, coordinated and enhanced safety measures are put into place in custody orders for children. The Case Coordinator works directly with the court's judges to keep them informed of any accompanying civil cases that are pending related to the victims and offenders that are involved in Domestic Violence Court. This linking of information gives judges context from which they can make a more accurate and applicable decision. The case coordinator provides copies of civil protection orders to the judges ensuring that the no contact orders are not in conflict with the existing civil protection orders.

The Domestic Violence Court Case Coordinator has worked with domestic violence treatment providers to increase feedback between these organizations and the court, with the goal of maintaining a higher level of accountability for the offender's progress in treatment. The Case Coordinator worked with the treatment providers to develop a standardized reporting form resulting in consistent reporting standards between multiple providers, and facilitated a meeting whereby the treatment providers were educated about the specifics of the Domestic Violence Court program. In addition, the treatment providers were able to educate the court staff and probation officers about the effect of domestic violence treatment and the interplay between treatment and the actions of the court. This communication enhanced the cooperation between treatment providers and the court, thereby reducing the possibility of manipulation on the part of the offender.

Additionally, the Case Coordinator, in cooperation with probation, assisted in the creation of a rolling risk assessment tool for determining the probable danger posed by defendants and subsequent risk to victims and their children. Following the assessment, the Coordinator works with probation and victim witness personnel to adjust probation recommendations to ensure offender accountability and victim service referrals to achieve optimal utilization of available community resources for victims. There is no court that we know of, who is doing this type of defendant risk reassessment for treatment efficacy and ongoing, enhanced referral of victims to specifically targeted community services.

"The case coordinator helps victims do "the hard part". The coordinator doesn't just tell victims what is out there. She helps them get the services based on the family's specific needs. Her working relationship with all of the community service providers and her ability to spend time actually making contacts for victims has made all the difference for victims of crimes and their children". Judge Carolyn M. Minder

"In eighteen years in the criminal justice, I believe the area demanding the most constant attention and expansion is the ability to engage,

protect, and support victims of domestic violence and their families. The case coordinator addition to the court provides for victims a highly skilled, experienced, credentialed neutral person who can aid them in accessing services that support them when they are in a period of great crisis and are most vulnerable. This service has manifest itself to be both crucial and invaluable in dealing with victims who find themselves alone, without support, and dealing with issues surrounding being the sole provider for children who themselves have experienced the trauma of violence". Judge James Cawthon